

HOOPA VALLEY TRIBAL COUNCIL
TRIBAL INSURANCE
Employee Driver's Information Authorization

Full Name: _____
First Middle Last

Department: _____ Position: _____ Employee () Applicant ()

Date of Birth: _____

Driver's License Number: _____ State: _____ Expiration Date: _____

CLASS: A B C M1 M2 (circle all that apply)

Special Endorsements/Restrictions: _____

CLASS: A B Medical Certification Expires: _____

IF YOU USE YOUR PERSONAL VEHICLE FOR COMPANY BUSINESS, Provide the following information:

Vehicle Insurance Company Name: _____

Address: _____

City, State, Zip Code: _____

Policy Number: _____

Effective Date: _____ Expiration Date: _____

I certify that the above information is true and correct and I authorize the Hoopa Valley Tribal Council to obtain and request a copy of my DMV record:

Employee Signature

Date

--Complete this portion to insure timely processing--

Supervisors Name: _____

Title: _____

Supervisors Signature: _____

Department: _____

Date: _____

PLEASE NOTE:

1. Request must include a **copy of employee's driver's license**, and **completed PAF** must be in our office for employee drivers request.
2. **Proof of Valid Vehicle Insurance** is required if using a personal vehicle to conduct Tribal Business.
3. Employee must acquire a valid CA. driver's license to be covered by the Hoopa Tribes Insurance.
4. **Employees SHALL NOT drive Tribally owned or leased vehicles until cleared by Insurance Administrator.**

TABLE OF CONTENTS

I.	PURPOSE	PAGE 2
II.	DEFINITIONS	PAGE 2
III.	COVERAGES	PAGE 6
IV.	OBJECTIVES	PAGE 6
V.	MINIMUM REQUIREMENTS	PAGE 6
VI.	DETAILS FOR REASSIGNMENT	PAGE 6
VII.	PERIODIC MEDICAL EVALUATION	PAGE 7
VIII.	PERIODIC REVIEW AND RENEWAL OF AUTHORIZATION	PAGE 7
IX	IDENTIFICATION OF AUTHORIZED OPERATORS	PAGE 7
X	CALIFORNIA STATE DRIVER'S LICENSE IN POSSESSION	PAGE 7
XI.	IDENTIFICATION CARD OR DOCUMENT IN POSSESSION	PAGE 7
XII.	CORRECTIVE ACTION	PAGE 8
XIII.	REPORTS REQUIRED	PAGE 8
XIV.	PROGRAM MANAGER, SUPERVISOR RESPONSIBILITY	PAGE 8
XV	ACCIDENT REPORTING	PAGE 9
XVI	TRAFFIC VIOLATIONS	PAGE 11
XVII.	SPECIAL OPERATOR REQUIREMENTS	PAGE 11
XVIII.	EMPLOYEES USE OF AUTOS	PAGE 14
IX.	AUTHORIZATION TO USE PRIVATELY OWNED AUTOS	PAGE 15
XX.	EMPLOYEE DRIVER'S INFORMATION AUTHORIZATION FORM	PAGE 16

HOOPA VALLEY TRIBAL COUNCIL MOTOR VEHICLE OPERATOR'S POLICY

I. PURPOSE

This policy governs the employees of the Hoopa Valley Tribe, Tribal Council and Tribal entities in authorized use of tribally owned or leased (acquired for other than short term use for which the tribe does not have full control and accountability) motor vehicles for official purposes within the exterior boundaries of the Hoopa Valley Indian Reservation, the States of the Union, the District of Columbia, Puerto Rico, and the territories and possessions of the United States. Employees authorized to operate a vehicle owned or leased by the Hoopa Valley Tribe, Tribal Council, and its Entities must be conducting business on behalf of the Hoopa Valley Tribe and be acting within the scope of the employee's duties and responsibilities.

II. DEFINITIONS

I. In this Policy:

Tribe means a department, entity, or other unit of the executive branch of the Hoopa Valley Tribe and/or Hoopa Valley Tribal Council.

Employee means an employee as defined in the Personnel Policies and Procedures Manual of the Hoopa Valley Tribe.

Service Member means the service members of the Tribal Community Conservation Corps and AmeriCorps Program. Certain medical staff, such as "traveling" nurses and locum tenens physicians whose drivers licenses are issued by a State other than California, may also be deemed "service members" while conducting legitimate tribal business associated with their job duties (for example, while making "house calls"). Service members shall be treated the same as employees of the Hoopa Valley Tribe except where noted otherwise in this policy.

Identification Document means an official identification card issued by the Hoopa Valley Tribe that properly identifies the individual as an employee of the Hoopa Valley Tribal Council.

Incidental Operator means an employee, or service member other than one occupying a position classified as a motor vehicle operator, who is required to operate a tribally owned or leased motor vehicle to properly carry out his or her assigned duties.

Eligible Driver is defined by the following requirements and limitations:

- a. An employee driver of any covered vehicle must be 18 years of age or older and in possession of a valid Driver's License issued by the State of California, Department of Motor Vehicles.
- b. A service member driver of any covered vehicle must be 18 years of age or older and in possession of a valid driver's license from their home state's Department of Motor Vehicles.
- c. A copy of the Driver's License must be on file with the Hoopa Valley Tribal Council's Insurance Department and the employee must be cleared to drive tribally owned, operated and/or leased vehicles acting within the scope of their duties and responsibilities.
- d. **A driver shall lose his/her eligibility if:**

* the driver no longer possesses a valid California Driver's License or in the case of a service member a valid Driver's License issued from their home state due to expiration, suspension, or revocation; or

- * the driver is cited for more than one violation for driving under the influence or major violation (DUI, DWI, Reckless Driving, etc.) within one year, or more than two major violations within three years; or
- * the driver is cited for more than two moving violations within one year (speeding, failing to yield or stop, etc.); or
- * the driver has incurred more than one at-fault accident within one year or more than two at-fault accidents within three years.

Motor Vehicle means a vehicle designed and operated principally for highway transportation of property or passengers, but does not include a vehicle;

- (a) designed or used for military field training, combat, or tactical purposes;
- (b) used principally within the confines of a regularly established military post, camp, or depot; or
- (c) regularly, used by the Tribe in the performance of investigative, law enforcement, or other intelligence duties if the Chairman and/or Governing body of the Hoopa Valley Tribe determines that exclusive control of the vehicle is essential to the effective performance of those duties.

Operator means an employee who is regularly required to operate tribally owned or leased motor vehicles and is occupying a position officially classified as a motor vehicle operator.

Safe Driving Record means drivers will not be approved to operate a tribally owned or lease motor vehicle if any of the following exclusions apply:

- (a) **No drivers will be approved if licensed less than 3 years and they have been convicted of any of the following:**

- 1) Failure to stop in the event of an accident.
- 2) Driving under influence of intoxicating liquors or drugs.
- 3) Reckless Driving. Manslaughter in the driving of a vehicle.
- 4) Evading a Peace Officer. Reckless Driving.
- 5) Driving the wrong way or in the incorrect lane on a divided highway.
- 6) Driving in excess of 100 mph.
- 7) Speed contests.
- 8) License/routes involving transportation of explosives.

- (b) **No drivers will be approved if they were convicted of two or more of these violations (or accidents) during the last 3 years:**

- 1) Any traffic conviction other than those listed in (a) above.
- 2) Any PD (Property Damage) accident (PD and/or Collision);

- (c) **No drivers will be approved if they have had more than one dismissal of a conviction relating to controlled substances during the last 3 years.**
- (d) **No drivers will be approved if they were convicted of driving with BAC of .05 or more during the last 4 years, if they were under the age of 21 at the time of the incident.**
- (e) **No drivers will be approved if they were principally at fault in an accident involving item (a)1 above during the last 3 years.**
- (f) **No drivers will be approved if they were convicted of driving with a BAC of .08 or while using a drug, if addicted, during the last 7 years.**
- (g) **No drivers will be approved if they were convicted of driving under the influence of any alcoholic beverage and/or drug causing bodily injury to any person other than the driver.**

HOOPA VALLEY TRIBAL COUNCIL MOTOR VEHICLE OPERATOR'S POLICY

- (h) No drivers *will be approved if they were convicted of violation of Section 192 (c) of the Penal Code, driving under the influence but without gross negligence.*
- (i) No drivers *will be approved if they were convicted of gross vehicle manslaughter while intoxicated.*
- (j) No driver convicted of violation of Section 192 (c)(3) Penal Code
- (k) No driver convicted of gross vehicle manslaughter while intoxicated.

CDL means Commercial Drivers License.

GVWR means the vehicle has a gross vehicle weight of 26,001 pounds or more.

GCWR means the vehicle has a gross combination weight rating of 26,000 lbs. or less if used exclusively in agricultural operations and it is not for hire or compensation.

State License means a valid California Driver's License that would be required for the operation of similar vehicles for which the employee is principally employed. *The ten license classes are defined as follows:*

Note: Class M1 or M2 is added to any other class license after passing law and skill tests.

CLASS A: *You may drive any legal combination of vehicles, including vehicles under Classes B and C.*

You may tow:

- *any single vehicle with a Gross Vehicle Weight Rating (GVWR) of more than 10,000 lbs.*
- *any trailer bus, with endorsement.*
- *more than one vehicle, with endorsement*
- *any vehicle under Classes B (an additional endorsement may be required*

CLASS A FIRE FIGHTER: *You may drive only Class A and Class B defined combination fire fighting vehicles and all vehicles listed under Class C.*

You may tow a single vehicle with a GVWR of more than 10,000 lbs.

CLASS A NONCOMMERCIAL: *You may drive any vehicle listed under Class C.*

You may tow a travel trailer weighing over 10,000 lbs. GVWR or a 5th-wheel travel trailer weighing over 15,000 lbs. GVWR when the trailer is not used for hire (pay or other compensation). Refer to the State of California's Recreational Vehicles and Trailers booklet.

CLASS B: *You may drive:*

- *any single vehicle with a GVWR of more than 26,000 lbs.*
- *a 3-axle vehicle weighing over 6,000 lbs. gross.*
- *any bus (except a trailer bus), with endorsement.*
- *any farm labor vehicle, with endorsement.*
- *all vehicles listed under Class C.*

You may tow a single vehicle with a GVWR of 10,000 lbs. or less.

CLASS B FIRE FIGHTER: *You may drive only a Class B defined single fire fighting vehicle and all the vehicles listed under Class C.*

You may tow a single vehicle with a GVWR of 10,000 lbs. or less.

CLASS B NONCOMMERCIAL: You may drive:

- any vehicle listed under Class C.
- a housecar over 40 feet but not over 45 feet, with endorsement.

You may tow any vehicle listed under Class C. Refer to the Recreation Vehicles and Trailer booklet.

CLASS C: You may drive:

- any 2-axle vehicle with a GVWR of 26,000 lbs. or less.
- any 3-axle vehicle weighing 6,000 lbs. or less.
- any housecar 40 feet or less.
- a vanpool vehicle, designed to carry more than 10 but less than 15 persons including the driver. The driver must have a valid medical on file and carry a valid medical card. The driver must also have a signed certification stating he/she has not been convicted of reckless driving, drunk driving, or hit and run in the last five years.
- a motorized scooter.

A farmer or employee of a farmer may drive:

- any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,000 lbs. or less if used exclusively in agricultural operations and it is not for hire or compensation.

You may tow:

- a single vehicle with a GVWR of 10,000 lbs. or less including a tow dolly, if used.
- a boat trailer provided the GCWR does not exceed 26,000 lbs. when the towing is for recreational purposes or repair, is not used in commerce or contract carrier operations, or in business, is not for hire, and does not require an oversize permit.

With a vehicle weighing at least 4,000 lbs., you may tow a:

- trailer coach or 5th-wheel travel trailer under 10,000 lbs. GVWR when towing is not for compensation.
- 5th-wheel travel trailer exceeding 10,000 lbs. but under 15,000 lbs. GVWR, when towing is not for compensation and with endorsement.

NOTE:

- Class C licensees may not tow more than one vehicle.
- No passenger vehicle regardless of weight, may tow more than one vehicle.
- No motor vehicle under 4,000 lbs. unladen may tow any vehicle weighing 6,000 lbs. or more gross.

CLASS C COMMERCIAL: You may drive any Class C vehicle carrying hazardous materials or wastes (Health & Safety Code §§25115 and 25117) which requires placards with a hazardous materials endorsement.

You may tow the same vehicles listed in Class C.

Class M1: You may operate any 2-wheel motorcycle or motor driven cycle. Refer to the State of California Motorcycle Handbook.

HOOPA VALLEY TRIBAL COUNCIL MOTOR VEHICLE OPERATOR'S POLICY

Class M2: You may operate any motorized bicycle, or moped, or any bicycle with an attached motor. Refer to the State of California Motorcycle Handbook.

Note: Starting January 1, 2005, a Class C license is required to operate a motorized scooter.

Ambulance Driver Certificate: If you wish to drive an ambulance used commercially in emergency service (VC §2512), apply at any DMV office.

Verification of Training Document: If you wish to drive a transit bus, you must have a Class A or B license with a passenger transport endorsement.

III COVERAGE

This policy governs programs, departments, divisions, and entities of the Hoopa Valley Tribe, and Tribal Council in authorizing their employees to operate tribally owned or leased vehicles for official purposes within the exterior boundaries of the Hoopa Valley Indian Reservation, the States of the Union, the District of Columbia, Puerto Rico, and the territories or possessions of the United States and establishes procedures to ensure the safe and efficient operation of such vehicles.

IV OBJECTIVES

This policy requires that the Personnel Department/Human Resource Officer of the Hoopa Valley Tribe **(a)** establish an efficient and effective system to identify those tribal employees who are qualified and authorized to operate tribally owned or leased motor vehicles while on official tribal business; and **(b)** periodically review the competence and physical qualifications of these tribal employees to operate such vehicles safely.

V MINIMUM REQUIREMENTS

Minimum requirements for operators of tribally operated, owned, or leased motor vehicles are as follows:

- (a)** A Tribal Department, Division, or Entity may fill motor vehicle operator positions in the competitive process as defined in the Tribe's Personnel Policy and Procedures Manual by any of the methods normally authorized for filling positions. Applicants for motor vehicles positions and incidental operators must meet the following requirements for these positions:
 - 1)** Possess a valid California State Driver's License;
 - 2)** Possess a safe driving record;
 - 3)** Demonstrate that they are medically qualified to operate the appropriate motor vehicle safely in accordance with the standards and procedures established by the Hoopa Valley Tribal Council.
- (b)** The Tribal Council, Department and Entities may establish additional requirements to assure that the objectives of this section are met.

VI DETAILS FOR REASSIGNMENT

The Hoopa Valley Tribal Council, Departments, and/or Entities of the Hoopa Valley Tribe may detail an employee to an operator position in the department or entity needing a driver for thirty (30) days or less when the employee possesses a California State License or in the case of a

service member possesses a valid State License issued by their home state and a **safe, clear driving record**. For details exceeding thirty (30) days, the employee must meet all the requirements of Section **V** and **any** applicable rules and regulations of the Hoopa Valley Tribal Council and regulations governing such details.

VII PERIODIC MEDICAL EVALUATION

At least once every two years, each Tribal Department and Entity will ensure that employees who operate tribally owned or leased vehicles are medically able to do so without undue risk to themselves or others. When there is a reasonable suspicion about an employee's ability to operate a motor vehicle safely, the employee may be referred for a medical examination in accordance with the rules and regulations of the Hoopa Valley Tribal Council. ***The Department requesting or requiring the medical examination will bear the medical cost.***

VIII PERIODIC REVIEW AND RENEWAL OF AUTHORIZATION

- (a) At least once every four years, each tribal department or entity or designee of the Hoopa Valley Tribal Council will review each employee's authorization to operate tribally owned or leased motor vehicles, *or any time an employee or service member moves from one department or entity to another, and upon return from seasonal layoffs, etc.*
- (b) The Hoopa Valley Tribal Council may renew the employee's authorization only after the appropriate tribal official has determined that the employee is medically qualified and continues to demonstrate competence to operate the type of motor vehicle to which assigned based on a continued safe and clear driving record.

IX IDENTIFICATION OF AUTHORIZED OPERATORS AND INCIDENTAL OPERATORS

The Hoopa Valley Tribal Council must have procedures to identify employees who are authorized to operate tribally owned or leased motor vehicles. Such procedures must provide for adequate control of access to vehicles and assure that the requirements of this policy are met.

X CALIFORNIA STATE DRIVER'S LICENSE IN POSSESSION

An operator or incidental operator shall maintain and possess a California State Driver's License or in the case of a service member a valid Driver's License from their home state at all times while driving a tribally owned or leased motor vehicle.

XI IDENTIFICATION CARD OR DOCUMENT IN POSSESSION

The operator or incidental operator shall have a tribal employee identification card in his or her possession at all times while driving a tribally owned or leased motor vehicle. Employee identification cards are issued by the Tribal Administrative Department or department designed by the Tribal Chairman.

XII CORRECTIVE ACTION

The Hoopa Valley Tribal Council or their designee will take adverse, disciplinary, or other appropriate action against an operator or an incidental operator in accordance with applicable law and regulations. The Hoopa Valley Tribal Council, Program Managers, Directors, and Entities' orders may include, but are not limited to, the following reasons constituting sufficient cause for such action against an operator or an incidental operator:

- a) The employee is convicted of operating under the intoxicating influence of alcohol, narcotics, or pathogenic drugs.
- b) The employee's driving record reveals a Failure to Appear (FTA), and the employee is unable to provide written proof and/or documentation that the FTA has been cleared with the court.
- c) The employee is convicted of leaving the scene of an accident without making his or her identity known.
- d) The employee is not qualified to operate a tribally owned or leased vehicle safely because of a physical or medical condition. In making such a determination, the Hoopa Valley Tribal Council should consult a certified medical officer or other certified medical authority as appropriate.
- e) The employee's California State License or other State License has been revoked.
- f) The employee's California State License or other State License has been suspended.
- g) The employee willfully misuses or abuses any tribally operated owned or leased motor vehicle.

XIII REPORTS REQUIRED

The Hoopa Valley Tribal Council, Program Manager, Director, and/or Entity will make a request that the Hoopa Valley Tribal Council's Insurance Department examine the employee's or potential employee's driving record by submitting a driver's license request and authorization form signed by the employee and/or potential employee *and supervisor* to the Insurance Department. Once the completed form is submitted to the Insurance Department the record will be requested. Upon receipt, the Insurance Department will notify the Program Manager and/or Entity as to whether or not the employee or potential employee is cleared to operate a tribally owned-leased vehicle or their personal vehicle on tribal business in *compliance with applicable provisions of this policy*.

XIV PROGRAM MANAGER, SUPERVISOR RESPONSIBILITY

It is the responsibility of each Program Manager or Department head to insure that the following rules are enforced:

- a) Tribally owned, operated, or leased vehicles are used for official tribal business only.
- b) Persons should not be carried in tribally owned, operated, or leased vehicles except those engaged in official tribal business.
- c) When taking business trips of an extended nature (e.g., to out of town conventions, conferences, etc...) that includes family members, a private vehicle should be used.
- d) Specific exceptions to rules (b) and (c) may be made by the Tribal Chairman for official functions at which attendance of an employee's spouse or family is expected as a matter of protocol.
- e) When a tribally owned or leased vehicle is used for travel to off reservation meetings, employees shall follow the most direct route to and from the meeting.
- f) Private vehicles shall be used if a side trip is planned or if a longer route is planned than necessary for conducting the tribal business.
- g) Employees who are on twenty-four hour emergency call are deemed Emergency Response Employees and may be assigned tribally owned or leased vehicles for use during non-regular work hours, provided the vehicle is stationed at the employee's residence located on the Hoopa Valley Indian Reservation. Employees deemed Emergency Response Employees are not allowed to station their vehicles at residences maintained off the Hoopa Valley Indian Reservation. Use of these vehicles should be confined to the most direct route between tribal business and the employee's residence. Use of these vehicles is not permitted for running errands or for any other private purpose.

- h) Employees operating tribal vehicles **shall** obey all laws and practice courteous and safe driving habits which includes the proper use of seat belts. *Employees using Tribally owned or leased vehicles for official tribal business should not move the vehicle until all passengers have fastened their seat belts.* Program Managers and Department Heads will investigate and take proper disciplinary action if an complaint is filed regarding improper use of a tribal vehicle by any employee.
- i) Employees shall exercise discretion to avoid, wherever possible, any situation which may tend to convey an impression to the public that the assigned motor vehicle is being used for unofficial purposes.
- j) Clearance must be obtained from the Tribal Chairman for any use of Tribal vehicles during non-regular work hours, unless officially designated as a twenty-four hour emergency response vehicle, or when used for official tribal travel.

XV ACCIDENT REPORTING

A motor vehicle accident is any occurrence which involves a tribally owned, leased or rented motor vehicle, or a privately owned vehicle operated on official tribal business, resulting in property damage, injury, or death regardless of the extent of injuries or the dollar amount.

A. General - Officials and/or employees responsible for the operation of a tribal vehicle shall exercise every precaution to prevent accidents. In the event of an accident, the employee and/or official concerned shall comply with procedures established in this policy, as well as any **applicable** policy, rule, and/or regulation of the Hoopa Valley Tribal Council.

B. Definition - A vehicle accident is any accident in which a tribal vehicle (or a private vehicle conducting business on behalf of the Hoopa Valley Tribal Council, and acting within the scope of their duties) is involved (whether in motion, stopped, or parked) which results in injury or property damage to the Hoopa Valley Tribal Council, employee or other party involved. This definition is purposely broad so employees report **all** damages to vehicles, thereby triggering a review of the accident.

C. DEPARTMENT LIABILITY

- 1) **Department and Employee Liability:** The department shall be financially responsible for damage to tribal vehicles, unless the employee has been found to be grossly negligent, or their conduct is outside the scope of their employment or otherwise in violation of tribal law. *There have been cases where employees have deviated from the proper route of travel and have been held to be operating the vehicle outside the scope of their employment, in which cases they may be held personally liable. Except when the scope of their employment dictates otherwise, operator of Tribally owned, leased or rented vehicles shall obey posted speed limits. Operators will also be cognizant of the effects that weather and traffic conditions have on travel speeds.*
- 2) **Costs:** The costs chargeable to the department including costs for removing and repairing the vehicle, or in the case of total loss, the replacement of the vehicle, including travel and other costs attributable to the accident.
- 3) **Final Determination:** The final determination of department and/or Operator's responsibility shall be made by the Hoopa Valley Tribal Council or their designee based upon police and accident reports, all available physical facts, and all pertinent evidence.

D. REPORTING

- 1) **Employee Responsibility:** Accidents which occur while employees are operating a tribally owned or leased vehicle shall be reported in a written report to the Supervisor and forwarded immediately to the Tribal Property and Tribal Insurance Departments. The Tribal Insurance Department shall be responsible for providing reports to other agencies concerned.
- 2) **Accident Form:** The vehicle operator shall obtain and record information pertaining to the accident on the Operator's Report of Motor Vehicle Accident Form. The original is to be furnished to the vehicle operator's supervisor. The vehicle operator shall also obtain the names, addresses, and telephone numbers of any witnesses whenever possible.
- 3) **Operator Statement of Responsibility:** The vehicle operator shall make no statements regarding responsibility nor admit fault for the accident except to his/her supervisor or to the Tribal Insurance Department and Property Manager. *If another vehicle is involved and the driver asks how he is to get his/her vehicle repaired, advise him that you will take his name and address and he/she will be contacted by the Tribe's Insurance Department and/or their designee.*
- 4) **Operator Injury:** Whenever a vehicle operator is injured and cannot comply with the above requirements, the department to which the vehicle is assigned or dispatched shall report the accident to the Tribal Insurance Administrator as soon as possible after the accident.

E. INVESTIGATION

Every accident involving a tribally owned vehicle shall be investigated by Tribal Police and/or the appropriate law enforcement agency and a report shall be furnished to the Insurance Department, Property Manager and the department to which the vehicle is assigned. In some instances the Insurance Administrator may determine whether or not a Tribal Police investigation is necessary. This will be determined on a case by case basis. The Supervisor or Program Manager will provide to the Tribe's Insurance Department the Operator's Report of Motor Vehicle Accident, Statement of Witnesses, a copy of the Police Report, if possible, and Photographs.

F. RECOMMENDATION FOR DISCIPLINARY ACTION

If a vehicle operator fails to report any accident involving a tribal vehicle and he or she has a record showing a high accident rate, the Insurance Administrator finds sufficient justification for the suspension of the employee to operate a tribal vehicle.

G. PARKING VIOLATION

- 1) **Parking Violation Citations:** Employees operating tribally owned or leased or privately owned vehicles are responsible for all citations issued for parking violations, including but not limited to, parking in fire hydrant or restricted zones, double parking, or non-payment of parking meter fees, etc. Citations for such violations shall be responded to and become the personal liability of the vehicle operator. Failure to clear such citations shall subject the employee to payroll deductions for payment of such fees.

H. OTHER VIOLATIONS

- 2) **Other Citations:** *Employees operating tribally owned or leased or privately owned vehicles are responsible for all citations issued for violation of safety rules and regulations established by the Department of Motor Vehicles, and may negatively impact their driver's clearance. Such citations are the responsibility of the employee.*

I. CLAIMS AGAINST THE TRIBE, FAIR HEARING PROCESS, AND NO WAIVER OF SOVEREIGN IMMUNITY

Whenever a tribal vehicle is involved in an accident resulting in damage to the property of, or injury to the person of, a third party, and the third party files a claim against the tribe based on the alleged negligence of the vehicle operator (acting within the scope of his or her duties), it shall be the responsibility of the Tribal Insurance Administrator to provide notice and the opportunity for claimants to be heard and to implement a fair hearing process so that the claim is finally adjudicated. The decision of this fair hearing procedure shall be final, from which no appeal may be taken.

Nothing in this policy is intended to be or shall be interpreted to be a waiver of Tribal Sovereign Immunity from suit in any administrative or judicial forum whatsoever except as set out in this paragraph.

J. CLAIMS IN FAVOR OF THE TRIBE

Whenever there is any indication that a party other than the operator of the department vehicle is at fault, the Insurance Administrator shall initiate necessary action to settle recovery of the claim. Upon specific request of the department to which the vehicle is assigned, the Insurance Administrator shall notify the Hoopa Valley Tribal Council and the department of the introduction of the claim and provide pertinent information about the claim's progress and final settlement.

K. SAFETY RESPONSIBILITY LAW

It is the operator's responsibility to file the necessary reports to States having a safety responsibility law which requires that each accident must be reported on the appropriate form (depending upon the state in which the accident occurred). That form is the basis for application of the law and must be filled out by the operators of the tribal vehicles involved in an accident. Preparation and submission of the form by the operator not only complies with such laws, but facilitates the recovery of the cost of damages from the third party (if the third party caused the accident). The tribe could be seriously handicapped in attempting to recover for damages to a tribal vehicle from a third party when this report is not filed. The necessary form(s) can be secured from the Insurance Department or from the Department of Public Safety of the State in which the accident occurred.

XVI TRAFFIC VIOLATIONS

Traffic Violations will be handled in compliance with Tribal law and applicable California law and regulations.

XVII SPECIAL OPERATOR REQUIREMENTS

A. WORK CREW AND PUPIL TRANSPORTATION SAFETY

School buses and other vehicles used for transporting students or work crews shall be operated with the utmost regard for safety under the following regulations:

- 1) **Bus Drivers.** Every bus driver, whether a full-time motor vehicle operator, substitute bus driver, special activities bus driver, supervisor, educator or bus maintenance personnel, shall qualify and possess a valid California Driver's

License with the proper endorsement(s) before operating tribally owned, operated, or leased buses used for the transportation of students to and from school, school sponsored activities, or work crews to and from job site.

- 2) **State License.** Every bus driver shall possess the California State Operator's License required by the State Office of Education Pupil Transportation Officer or required by the Department of Motor Vehicles. No tribally owned or leased bus carrying students or work crews shall be operated by a minor or any person not having a valid California Driver's License with the proper endorsements.

- 3) **State Traffic Regulations.** School buses or work crews and their drivers shall conform to the laws, regulations, and requirements of the State of California wherein the buses are operated.

- a) **Pull Notice Program.** As employers of commercial drivers, the Hoopa Valley Tribal Council shall utilize the Employer Pull Notice Program provided by the California Department of Motor Vehicles.

The Employer Pull Notice Program (C.V.C. 1808.1) is intended to provide employers and regulatory agencies with a means of promoting driver safety through ongoing review of the driving records of commercial drivers. Current law requires the employers of commercial and special certified drivers to enroll in this program. The specific groups of employers required to participate in the program are identified as follows:

- **ALL CLASS 1/A**
- **ALL CLASS 3/B**

This program assists the employer in identifying a driver:

- **who has been convicted of a driving offense, or**
- **who is accumulating a negligent operator's record or**
- **whose license has been suspended or revoked, or**
- **who had any other actions taken against the driving privilege or certificate.**

Regulatory agencies for enforcement of the Pull Notice Program are:

- **California Highway Patrol**
- **Public Utilities Commission**

B. DRIVER RESPONSIBILITY

- 1) **Bus Driver Responsibility:** The bus driver has much greater responsibility than simply the physical task of guiding his/her vehicle. Responsibility is placed on him/her for the personal behavior of the passengers in his/her bus while in transit, and it is therefore essential that this fact be borne in mind in the selection of employees for this position.
- 2) **Passengers:** No one shall ride in the driver's seat except the driver. Drivers must not allow passengers to thrust their heads or arms out of open windows. Except in an emergency, drivers shall not talk to passengers.
- 3) **Seats:** All passengers shall be provided with seats and shall be required to be seated while bus is in motion; the driver shall not start the bus until all

- passengers are seated. Bus drivers shall ensure that passengers do not stand where they interfere with his/her vision while the bus is in motion.
- 4) **Transporting Property:** Buses shall not be used for transportation of heavy material which may result in damage to the bus. The upholstery shall be removed as necessary and minor repairs shall be made promptly to prolong the life of the bus as a presentable and comfortable means for transporting passengers. Broken windows must be repaired immediately and before the bus starts another trip.
 - 5) **Hauling Responsibilities:** When passengers are being transported, the bus shall not haul a trailer or other vehicle. All doors to the bus must be kept closed while the bus is in motion, and opened only by the driver after the bus has come to a complete stop and the driver has assured himself that traffic is responding to control. The bus shall never carry a load exceeding seating capacity. Fuel tanks shall not be filled while passengers are in the bus. The greatest care shall be taken when bus enters the school grounds to receive or discharge passengers. At the close of school, buses shall be in position prior to pupils dismissal and may not be placed in motion until all passengers are in the buses and the grounds clear of children. No bus may back up on the school grounds except before dismissal of school and only when there is an adult at the rear to see that the road is clear.
 - 6) **Railroad Crossings:** Buses must come to a full stop at all railroad crossings and dangerous intersections and proceed only when the right of way is clear. Driver shall open door only while stopped and close door before putting vehicle in motion. Buses must be operated at a safe speed at all times. The speed shall be such that the bus shall always be under the control of the driver, and may be brought to a full stop whenever required by traffic or other contingencies. When one bus is followed by another they shall keep at least 300 feet apart. Buses shall not be stopped near the crest of a hill or on a curve to discharge or load passengers not pass other vehicles at dangerous places.
 - 7) **Leaving the Bus:** Drivers must not leave motor vehicle without first stopping the motor and setting the emergency brake.
 - 8) **Keys:** Driver will not leave ignition key in lock when leaving vehicle.
 - 9) **Pickup Points:** Buses shall pick up or discharge passengers at extreme right of road, off traveled highways, or at designated stops or shelters for that purpose.
 - 10) **Crossing the Highway:** Where it is necessary for passengers to cross a highway in order to board a bus or after leaving a bus, passengers shall await signal from driver or traffic patrol before crossing the highway. It shall be the responsibility of the driver to ascertain that the highway is clear before signaling the passenger to cross.
 - (a) The driver of any bus when carrying passengers must before crossing at grade any track or tracks of a railroad, bring the bus to a full stop, not less than 15 feet or more than 50 feet from the rail nearest the front of the bus.
 - (b) The driver with bus completely stopped will fully open the service door, open the window at the driver's left, shut off all noisy equipment (radios, fans, etc.) and with bus stopped, listen and looking both directions along the track or tracks for approaching trains, engines, or cars. When it is determined to be clear, the driver will move the bus across the tracks, leaving the service door open until the rear of the bus clears all tracks.

C. ACCIDENT REPORTING

In case of accident, the bus driver shall follow the procedures set forth in XV of this policy.

XVIII EMPLOYEES USE OF AUTOS

A. EMPLOYEES DRIVING TRIBAL AUTOS

Hoopla Valley Tribal Council's liability coverage extends to include use of all tribally-owned vehicles when the employee is driving the vehicle on tribal business. Employees must not use tribal vehicles for unauthorized purposes. The coverage agreement states that coverage extends to "any person while using an owned automobile--provided the actual use of the automobile is by or with the permission of the Hoopa Valley Tribe, and has been cleared to drive by the Tribal Department and/or Entity designated by the Hoopa Valley Tribal Council

B. EMPLOYEES DRIVING OWN AUTOS ON TRIBAL BUSINESS

When employees receive a mileage allowance for use of personally-owned autos on tribal business, such employees should be advised that:

- 1) The mileage allowance is intended to cover wear and tear and the employee's personal auto insurance premium.
- 2) Therefore, each such employee is required to maintain an automobile insurance policy.
- 3) Each such policy should be maintained with liability limits of no less than:
 - (a) \$15,000.00 per person Bodily Injury, \$30,000.00 per accident Bodily Injury, and \$10,000.00 per accident Property Damage or
 - (b) \$30,000.00 Combined (Bodily Injury and Property Damage) Single Limit.
- 4) Each such policy is the primary coverage in the event of a loss or claim.

This form **AUTHORIZATION TO USE PRIVATELY OWNED AUTOMOBILES** on tribal business shall be completed and filed with the Tribal Insurance Department. A diary system should be maintained by the Tribal Insurance Administrator or designee to assure that policies are in force.